

III. REMARKS

Section headings have been added to the specification to conform it to U.S. practice. Also the abstract has been amended to better conform to U.S. practice.

In claims 1 and 13 "the edge" has been changed to "an edge" as requested by the Examiner. It is therefore submitted that these claims are no longer objectionable.

Claims 8, 13 and 14 have been amended to provide proper antecedents and to eliminate indefinite language. Thus these claims conform to 35 USC 112, 2nd paragraph.

Claims 1, 4, 6, 8, and 11-13 are rejected under 35 USC 102(b) as being anticipated by Suso.

In Suso on the left and right sides ("adjacent walls") of the housing member 8, there are no buttons, contrary to the present invention, but only a power button 11 placed in the rotary shaft 7. To be quite precise, the power button is not "for controlling the electronic functions of the device". The power button 11 and the rotary shaft 7 can in no way form a "navigation key", nor is the housing member 8 even designed in such a way that it could be held on the user's palm. This applies to claims 13 and 16 as well.

The different device constructions of claim 13 are divided into claims 13 and 16.

Regarding claims 1, 13 and 16, Suso discloses a power button 11 only. Suso does not disclose a rotatable navigation key provided

with a push-button action and at least two key buttons for the control of the device.

Suso does not disclose a navigation key placed on the first wall, on the upper wall, or on the edge between the first wall and the upper wall. Suso discloses a power button 11 and a cursor button 15. The cursor button 15 is a display button of a touch type and it is not situated in the housing member 8. The power button 11 cannot be used for controlling the cursor 17 in Suso.

Suso discloses that the housing member 8 comprising the camera lens 9 can be rotated around the rotary shaft 7 as a center. Suso does not disclose the rotary shaft 7 and the power button 11 being a navigation key provided with a push-button action and intended for browsing menus and selecting telephone numbers. The rotary shaft 7 cannot be used to select the record mode or to rotate the camera lens 9 in Suso. Furthermore, the rotary shaft 7 is attached to the upper case 1 and the rotary shaft 7 cannot be independently rotated. Instead, the housing member 8 with the camera lens 9 is rotatably attached to the rotary shaft supporting part 6.

Suso does not disclose key buttons being placed on each of the two adjacent walls of the housing member 8. Suso discloses only one key button, namely the power button 11, which is, depending on the interpretation, situated on the upper wall or integrated in the rotary shaft 7. Furthermore, the power button 11 of Suso cannot be used to control the electronic functions of the device.

Regarding claim 4, Suso discloses electronic displays 4, 5 placed on the upper case 1 and the lower case 2. Suso does not disclose

further electronic display means placed on the housing member 8 for displaying information.

Thus the rejection of claims 1, 4, 6, 8 and 11-13 under 35 USC 102 should be withdrawn since the above-discussed claimed features are not in Suso. Further since these features are not suggested by Suso, these claims are unobvious over it.

Claims 2 and 14 are rejected under 35 USC 103(a) as being unpatentable over Suso in view of Abe.

Regarding claim 2, the adaptor 30 in Abe cannot be considered to be the third housing member. As disclosed in claim 1 of the present invention, the hinge mechanism is attached to the third housing part and arranged to fold the first and the second housing parts. Abe does not disclose a hinge mechanism attached to the adaptor 30 but a hinge mechanism between the upper case 10a and the lower case 10b.

The Examiner has incorrectly interpreted that claim 2 relates to the assembly, whereas the invention relates to the fact that the hinge mechanism and thereby the housing parts connected to it are partly withdrawn inside the housing part used as a handle. This applies to claims 10 and 14 as well.

The optional feature of claim 14 has been separated to form a new claim 15.

Also regarding claim 14, the adaptor 30 in Abe cannot be considered to be the third housing member into which both the upper case 10a and the lower case 10b can be inserted in closed position. As disclosed in claim 13 of the present invention, the

hinge mechanism is arranged to fold the first and the second housing parts to which the hinge mechanism is connected. Abe does not disclose a hinge mechanism attached to the adaptor 30 but a hinge mechanism between the upper case 10a and the lower case 10b. Abe does not disclose the hinge mechanism being movably connected to any other housing parts.

Thus the rejection of claims 2 and 14 should be withdrawn since even if Suso and Abe are combined. The result is not the present invention.

Claim 3 is rejected under 35 USC 103(a) as being unpatentable over Suso in view of Frye.

Regarding claim 3, Suso does not disclose a further key button for automatic opening of the device. The automatic opening and the key button according to claim 3 are not disclosed in Frye, which only shows a design which can be used to turn the cover manually open.

Thus even if Suso and Frye are combined, the result is not the present invention. Hence the rejection of claim 3 should be withdrawn.

Claim 7 is rejected under 35 USC 103(a) as being unpatentable over Suso in view of Phillipps.

Since Phillipps also fails to disclose the features discussed above, combining it with Suso does not result in the present invention. Hence the rejection of claim 7 should be withdrawn.

Claim 10 is rejected under 35 USC 103(a) as being unpatentable over Suso in view of Abe and further in view of Frye et al.

Regarding claim 10, Suso discloses the rotary shaft 7 and the rotary shaft supporting part 6 for folding the upper case 1 and the lower case 2. Suso does not disclose an ejector mechanism for ejecting the cases 1, 2 away from the housing member 8 nor an unfolding mechanism assisting in opening the ejected cases 1, 2. The distance between the housing member 8 and the lower case 2 (or the upper case 1) remains unchanged prior to opening without the possibility of reducing the outer dimensions of the device.

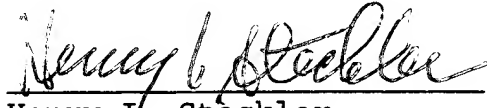
Abe and Frye also fail to disclose these features. Thus combining these references does not result in the present invention. Hence the rejection of claim 10 should be withdrawn.

New claims 17 and 18 respectively correspond to allowable claims 5 and 9 in independent form and are therefore allowable.

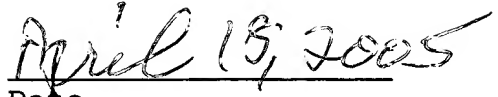
For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$400.00 for extra independent claims fees is enclosed. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Henry L. Steckler
Reg. No. 24,139



Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 4/18/05

Signature: 
Person Making Deposit